THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25509 of 2006

08.12.2006

Between:

Mahavir Institute of Medical Sciences (An Educational Institution run by Charitable Trust), represented by its Administrator B.M.K.Raju.

..Petitioner

And

1. Central Power Distribution Company of a.P.Limited, represented by Superintending Engineer Operations, Ranga Reddy District (South) Mint Compound, Hyderabad. and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner is a Medical Institute run under the supervision of a Charitable Trust. It is availing power supply under HT Category (Service Connection No.RRS-1045). For the purpose of billing and applying requisite tariff rate, the petitioner's service connection was categorised as HT I. Category I consumers are required to pay the tariff rate of Rs.3.30 paise / Rs.3.50 paise, per unit. However, on an allegation that in the Accountant General Audit held in Novermber, 2006 pointed out that the petitioner's service should be categorised as category II contracting tariff rate of Rs.4.50 pasie / Rs.4.40 paise per unit, the petitioner was issued the impugned letter, dated 22.11.2006, demanding the shortfall of energy charges of Rs.3,14,348/-. The petitioner was advised to pay the amount to Senior Accounts Officer/Operation/Ranga Reddy Circle (S) within seven days. The petitioner immediately sent a letter to the Superintendent Engineering (Operations), Central Power Distribution of Andhra Pradesh Limited (APCPDCL), for redressal, in vain. Therefore, he filed the present Writ Petition.

In the Writ Petition, *inter alia*, it is urged that the change of category from category I to category II without notice is in violation of condition 3.4.1 of General Terms and Conditions of Supply (GTCS). Reliance is also placed on an unreported judgment of this Court in **Sri Aurobindo Integral School v. Chief General Manager/ Expr.Southern Power Distribution Company of A.P.Limited**[1].

The legal position is not seriously disputed. A plain reading of condition 3.4.1 of GTCS would show that the consumer shall have to be informed through a notice whenever reclassification of service is made. This is absent. Therefore, the impugned letter is unsustainable. This was so held in the unreported judgment, referred to hereinabove.

Therefore, the impugned order is set aside and the matter is sent back to the Superintendent Engineer (Operation), APCPDCL, Mint Compound, Hyderabad, to issue notice to the petitioner Institute and take necessary action in accordance with condition 3.4 of GTCS.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

(V.V.S.RAO, J)

08.12.2006

Note: Furnish C.C. in three days.

(B/o)

GJ

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[1] W.P.No.11589 of 2006, dated 14.09.2006